

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIEN L. COBBINS,

Defendant.

ORDER

01-cr-9-bbc-9

On December 12, 2011, defendant Damien Cobbins filed a motion under 18 U.S.C. § 3582 for a reduction in the sentence imposed on him on September 13, 2001. In his motion, he contends that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he is entitled to a reduction in his sentence.

Defendant filed a previous § 3582 motion in March of 2008 seeking a reduction under the amendment to the guidelines. His motion was denied on February 11, 2009, because the amendment to the guidelines did not reduce the offense level for crimes involving 4.5 kilograms or more of cocaine base.

The most recent retroactive amendment to the cocaine base guideline under which defendant filed his current motion does not reduce the offense level for crimes involving 8.4 kilograms or more of cocaine base. Because defendant's relevant drug quantity was at least 30 kilograms, his base offense level remains at level 38 and he does not benefit from the applicable amendment.

ORDER

IT IS ORDERED that defendant Damien Cobbins's motion for a reduction in his sentence pursuant to 18 U.S.C. § 3582 is DENIED.

Entered this 9th day of February, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge